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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,708	04/04/2001	Tracy D. Mallory	0033-051001	3105

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EXAMINER	
DUONG, FRANK	
ART UNIT	**PAPER NUMBER**
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/825,708	MALLORY, TRACY D.	
	Examiner	Art Unit	
	Frank Duong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-15* is/are allowed.

6)☒ Claim(s) *16-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is a response to communications dated 11/27/06. Claims 1-28 are pending in the application.

Information Disclosure Statement

2. The information disclosure statement filed 01/10/07 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been considered and placed in the application file.

Claim Objections

3. Claims 1,16 and 22 are objected to because of the following informalities:

As per claim 1, line 5, the term "may be set or not set" should be changed to --is configured--.

As per claim 16, line 2, the term "being capable of" should be changed to --are--.

As per claim 22, line 2, the term "that may be set" should be changed to --that is set--.

A typical reason for doing so is that such term or claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. See MPEP § 2111.049 [R.3].

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 16-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Home Phoneline Networking Alliance, Interface Specification for HomePNA 2.0 10M8 Technology Link Layer Protocol, pages 1-39, 12/01/1999 (hereinafter "Doc").

Regarding **claim 16**, in accordance with Doc entirety, Doc discloses a method of sharing information among a plurality of stations on a communications network (*HomePNA 10M8 stations are discussed in the Scope, on page 4, section 1.1 and thereinafter*), each of the plurality of stations are transmitting and receiving frames over the communications network between any one station and all other stations, comprising periodically broadcasting by one station to all other stations capabilities and status announcements (CSA) sent in control frames (*CSACFs*) (*Capability and Status Announcement in HPNA 2.0 is discussed on page 18 and thereinafter*).

Regarding **claim 17**, in addition to feature recited in 16 (see rationales discussed above), Doc also discloses wherein the control frames include status flags determinative of one or more of: a version of protocol under which the communications network is operating, optional feature support, link-layer priority usage, and network configuration commands (*the CSA Control Frame having the above fields/flags (status flag) are depicted in Figures 2.9 and 2.10, on pages 19-20,*

to include version of protocol (SSVersion), Flags0-Flags3 (optional feature support, priority and commands)).

Regarding **claim 18**, in addition to feature recited in 17 (see rationales discussed above), Doc also discloses wherein stations receiving the control frames make operational decisions based upon the status flags without further interaction amongst the stations on the communications network (*page 18, section 2.5, last paragraph, it is disclosed upon receiving a CSA control frame with the Request opcode, a station shall transmit a current CSA message after a delay a short interval*).

Regarding **claim 19**, in addition to feature recited in 16 (see rationales discussed above), Doc also discloses wherein the control frames are transmitted by a station once per minute or upon a change in current status of the station (*page 18, section 2.5, it is disclosed station shall send a CSA control frame once per minute or when a change in the station's current status requires the announcement of new flags*).

Regarding **claim 20**, in addition to feature recited in 16 (see rationales discussed above), Doc also discloses wherein a second copy of a most recent control frame is transmitted by a station at a randomly selected interval after a control frame is sent by the station announcing a status change (*page 18, section2.5, it is disclosed station sending a CSA control frame announcing a status change shall send a second copy of the most recent CSACF a short interval after the first, wherein the short interval is randomly selected*).

Regarding **claim 21**, in addition to feature recited in 16 (see rationales discussed above), Doc also discloses wherein the control frames are sent at a highest link layer protocol priority (*page 18, section 2.5*).

Regarding **claim 22**, in addition to feature recited in 16 (see rationales discussed above), Doc also discloses wherein the control frame includes an operation code (*Request op-code*) that is set to either a request operation code or an announcement operation code such that when a station receives the control frame with the request operation code a timer is set and the receiving station sends a control frame with an announcement operation code at timer expiration (*page 18, section 2.5, last paragraph*).

Regarding **claim 23**, in accordance with Doc entirety, Doc teaches a method comprising:

periodically broadcasting by at least one station to other stations on a communications network a control frame including a status announcement and an indicator of a current state of an operability associated with the at least one station, wherein the at least one station is operable to transmit and receive frames over the communications network between the at least one station and the other stations (*page 18, section 2.5, it is discussed the capability and status announcement (CSA) frame and mechanism defined for network-wide negotiation in a HPNA 2.0 network having stations broadcasting CSA control frames. The fields and flags of the CSA control frame are depicted in Figures 2.9-2.10 on pages 19-20*).

Regarding **claim 24**, in addition to feature recited in 23 (see rationales discussed above), Doc also discloses wherein the control frame includes an operation code that

that is operable to configure a station receiving the control frame with the operation code set to a value indicating a request, to request setting of a timer and to request transmission of another control frame including another operation code indicating an announcement, at timer expiration by the station receiving the control frame (*Request op-code is discussed on page 18, section 2.5, last paragraph and thereinafter*).

Regarding **claim 25**, in accordance with Doc entirety, Doc teaches a method comprising:

periodically broadcasting by at least one station to other stations on a communications network a control frame configured to include values of one or more of a current transmit flag set, an old transmit flag set, or a current receive flag set, wherein

the current transmit flag set value is based on a current state of an operability associated with the at least one station and current status flags for the at least one station, and a first previous state of operability and first previous status flags for the at least one station based on a first timer expiration, the old transmit flag set is based on a second previous state of operability and a second previous status for the at least one station based on a second timer expiration, and the current receive flag set is based on copies of received current transmit flag sets received in frames from the other stations on the communications network (*page 18, section 2.5, it is discussed the capability and status announcement (CSA) frame and mechanism defined for network-wide negotiation in a HPNA 2.0 network having stations broadcasting CSA control frames. A CSA control frame is broadcasted once per minute and the fields and flags of the CSA control frame are depicted in Figures 2.9-2.10 on pages 19-20*).

Regarding **claim 26**, in addition to feature recited in 25 (see rationales discussed above), Doc also discloses wherein one of the other stations receiving the control frame is configured to make operational decisions based on one or more of the received current transmit flag set, old transmit flag set, or current receive flag set (*page 18, section 2.5, last paragraph, it is disclosed upon receiving a CSA control frame with the Request opcode, a station shall transmit a current CSA message after a delay a short interval*).

Regarding **claim 27**, in addition to feature recited in 25 (see rationales discussed above), Doc also discloses wherein the control frame is transmitted by the at least one station based on a change in a current status of the at least one station (*page 18, section 2.5, it is disclosed station shall send a CSA control frame once per minute or when a change in the station's current status requires the announcement of new flags*).

Regarding **claim 28**, in addition to feature recited in 25 (see rationales discussed above), Doc also discloses wherein the control frame includes an operation code that that is operable to configure a station receiving the control frame with the operation code set to a value indicating a request, to request setting of a timer and to request transmission of another control frame including another operation code indicating an announcement, at timer expiration by the station receiving the control frame (*RetransmitTimer is disclosed on page 21, section 2.5.3.3*).

Allowable Subject Matter

5. Claims 1-15 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Home Phoneline Networking Alliance, Interface Specification for HomePNA 2.0 10M8 Technology, pages 1-77, 12/01/1999.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Duong whose telephone number is 571-272-3164. The examiner can normally be reached on 7:00AM-3:30PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FRANK DUONG
PRIMARY EXAMINER

February 5, 2007